

(6) Authorize us to inspect or test your engines as the Act allows.

(c) We may ask for more information.

(d) You may import the nonconforming engines you identify in your request if you get prior written approval from us. The U.S. Customs Service may require you to show them the approval letter. We may temporarily or permanently approve the exemptions or exclusions, as described in this subpart.

(e) Make sure the engine meets any labeling requirements that apply.

EFFECTIVE DATE NOTE: At 69 FR 39269, June 29, 2004, §1068.305 was amended by revising paragraphs (a) and (e), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

**§ 1068.305 How do I get an exemption or exclusion for imported engines?**

(a) Complete the appropriate EPA declaration form before importing any nonconforming engine. These forms are available on the Internet at <http://www.epa.gov/OTAQ/imports/> or by phone at 202-564-9660.

\* \* \* \* \*

(e) Meet the requirements specified for the appropriate exemption in this part or the standard-setting part, including any labeling requirements that apply.

**§ 1068.310 What are the exclusions for imported engines?**

Emission standards do not apply to excluded engines that you import. If you show us that your engines qualify under one of the paragraphs of this section, we will approve your request to import excluded engines. You must have our approval to import an engine under paragraph (a) of this section. You may, but are not required to request our approval for the other exclusions in this section. The following engines are excluded:

(a) *Engines used solely for competition.* Engines you use solely for competition are excluded. The standard-setting part may set special provisions for the manufacture, sale, or import of engines used solely for competition. Section 1068.101(b)(4) prohibits using these excluded engines for other purposes.

(b) *Stationary engines.* This includes engines that will be used in a permanently fixed location and engines meeting the criteria for the exclusion in

paragraph (2)(iii) of the nonroad engine definition in §1068.30. Section 1068.101(b)(3) prohibits using these engines for other purposes.

(c) *Other engines.* The standard-setting parts may exclude engines used in certain applications. For example, engines used in aircraft, underground mining, and hobby vehicles are generally excluded.

EFFECTIVE DATE NOTE: At 69 FR 39269, June 29, 2004, §1068.310 was revised, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

**§ 1068.310 What are the exclusions for imported engines?**

If you show us that your engines qualify under one of the paragraphs of this section, we will approve your request to import such excluded engines. You must have our approval to import an engine under paragraph (a) of this section. You may, but are not required to request our approval to import the engines under paragraph (b) or (c) of this section. The following engines are excluded:

(a) *Engines used solely for competition.* Engines that you demonstrate will be used solely for competition are excluded from the restrictions on imports in §1068.301(b), but only if they are properly labeled. See the standard-setting part for provisions related to this demonstration. Section 1068.101(b)(4) prohibits anyone from using these excluded engines for purposes other than competition.

(b) *Stationary engines.* The definition of nonroad engine in 40 CFR 1068.30 does not include certain engines used in stationary applications. Such engines are not subject to the restrictions on imports in §1068.301(b), but only if they are properly labeled. Section 1068.101 restricts the use of stationary engines for non-stationary purposes.

(c) *Other engines.* The standard-setting parts may exclude engines used in certain applications. For example, engines used in aircraft and very small engines used in hobby vehicles are generally excluded. Engines used in underground mining are excluded if they are regulated by the Mine Safety and Health Administration.

**§ 1068.315 What are the permanent exemptions for imported engines?**

We may approve a permanent exemption for an imported engine under the following conditions:

(a) *National security exemption.* You may import engine under the national security exemption in §1068.225.

(b) *Manufacturer-owned engine exemption.* You may import a manufacturer-owned engine, as described in §1068.215.

(c) *Replacement engine exemption.* You may import a nonconforming replacement engine as described in §1068.240. To use this exemption, you must be a certificate holder for an engine family we regulate under the same part as the replacement engine.

(d) *Extraordinary circumstances exemption.* You may import a nonconforming engine if we grant hardship relief as described in §1068.245.

(e) *Hardship exemption.* You may import a nonconforming engine if we grant an exemption for the transition to new or revised emission standards, as described in §1068.255.

(f) *Identical configuration exemption.* You may import a nonconforming engine if it is identical to certified engines produced by the same manufacturer, subject to the following provisions:

(1) You may import only the following engines under this exemption:

(i) Large nonroad spark-ignition engines (see part 1048 of this chapter).

(ii) Recreational nonroad spark-ignition engines and equipment (see part 1051 of this chapter).

(2) You must meet all the following criteria:

(i) You have owned the engine for at least one year.

(ii) You agree not to sell, lease, donate, trade, or otherwise transfer ownership of the engine for at least five years, or until the engine is eligible for the exemption in paragraph (g) of this section. During this period, the only acceptable way to dispose of the engine is to destroy or export it.

(iii) You use data or evidence sufficient to show that the engine is in a configuration that is the same as an engine the original manufacturer has certified to meet emission standards that apply at the time the manufacturer finished assembling or modifying the engine in question. If you modify the engine to make it identical, you must follow the original manufacturer's complete written instructions.

(3) We will tell you in writing if we find the information insufficient to show that the engine is eligible for this exemption. In this case, we will not consider your request further until you address our concerns.

(g) *Ancient engine exemption.* If you are not the original engine manufacturer, you may import a nonconforming engine that is subject to a standard-setting part and was first manufactured at least 21 years earlier, as long as it is still in its original configuration.

EFFECTIVE DATE NOTE: At 69 FR 39269, June 29, 2004, §1068.315 was amended by revising the introductory text and paragraph (a) and adding paragraph (f)(1)(iii), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

**§ 1068.315 What are the permanent exemptions for imported engines?**

We may approve a permanent exemption from the restrictions on imports under §1039.301(b) under the following conditions:

(a) *National security exemption.* You may import an engine under the national security exemption in §1068.225, but only if it is properly labeled.

\* \* \* \* \*

(f) \* \* \*

(1) \* \* \*

(iii) Land-based nonroad diesel engines (see part 1039 of this chapter).

\* \* \* \* \*

**§ 1068.320 How must I label an imported engine with a permanent exemption?**

(a) For engines imported under §1068.315 (a), (b), (c), (d), or (e), you must place a permanent label or tag on each engine. If no specific label requirements from subpart C of this part apply, you must meet the following requirements:

(1) Attach the label or tag in one piece so no one can remove it without destroying or defacing it.

(2) Make sure it is durable and readable for the engine's entire life.

(3) Secure it to a part of the engine needed for normal operation and not normally requiring replacement.

(4) Write it in block letters in English.

(5) Make it readily visible to the average person after the engine is installed in the equipment.

(b) On the engine label or tag, do the following:

(1) Include the heading "Emission Control Information."